



UNITED STATES PATENT AND TRADEMARK OFFICE

m/c

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,260	08/07/2001	Aki Koyabu	210146US2PCT	9257

22850 7590 11/02/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,260

Applicant(s)

KOYABU ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 17, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams (US Pat. No. 5,977,964).

Regarding claim 1, Williams discloses an information retrieving apparatus for

retrieving multimedia contents from a plurality of multimedia contents provided by predetermined information providing means (see figures 1, 6, and 7, col. 3 lines 6-38 and col. 4 lines 29-44 where user profile information are stored in the system), comprising;

storing means for storing a usage history of a recording medium used for recording said multimedia contents (see col. 3 lines 6-14, col. 5 line 51-col. 6 line 49 where Williams discloses user profile data base stores user preference information. See also figures 1 and 6-8); and

retrieving means for retrieving multimedia contents from said plurality of multimedia contents on the basis of said usage history (see figure 2 step 206 and 206 and 208, figure 3 where the comparing taken place, figure 4, which discloses additional programs are suggested based on user profile, and figure 5, and col. 5 lines 20-51 and col. 8 lines 14-56), the history data including weighted values to differentiate between frequencies of reproduction of multimedia content of the recording medium (see col. 6 lines 63-col. 7 lines 19 where Williams discloses most frequently watched/listened to source(s), most frequently watched/listened to channel(s) station(s) per source, typical watching/listening periods... are stored in the user profile database 800), wherein

said retrieved multimedia contents are displayed on display means, and header information indicates information of said retrieved multimedia contents (see col. 5 line 52-col. 6 line 25 and col. 7 lines 31-58 and figures 8-9).

Regarding claim 2, Williams discloses selection means for selecting the multimedia content for display on the basis of said usage history so as to match a user's preference (see col. 5 line 52-col. 6 line 24 and col. 7 line 31-58).

Regarding claim 3, Williams discloses the said usage history further comprises:

a record history of multimedia content which has been recorded on said recording medium (see col. 3 lines 6-14, col. 6 line 17-40 and line 50-67 and figs. 1, 6, and 7).

Regarding claim 4, Williams discloses said usage history comprises a reproduction history of multimedia content, which is obtained by reproducing said multimedia content recorded in said recording medium (see col. 6 lines 50-67).

Regarding claim 5, Williams discloses the said usage history information includes record/reproduction history information of multimedia content which is obtained by recording or reproducing said multimedia content provided by said information providing means, in/from said recording medium (see fig. 5 and col. 6 lines 50-67).

Regarding claim 6, Williams discloses information of broadcasting programs (see col. fig. 1 and col. 4 lines 29-44).

Regarding claim 7, Williams discloses an information receiving apparatus for receiving multimedia content by retrieving said information from a plurality of multimedia content which is transmitted from predetermined information transmitting means (see col. figs. 1, 6 and 7, and col. 4 lines 29-44), comprising:

storing means for storing a usage history of recording medium used for recording said multimedia contents (see rejection of claim 1 above); and

retrieving means for retrieving multimedia content from said plurality of multimedia content on the basis of said usage history so as to match a user's preference (see rejection of claim 1 and figures 2-5), wherein

said retrieved multimedia content are displayed on display means, and header information indicates information of said retrieved (see rejection of claim 1 above).

Claims 8-10 are rejected for the same reason as discussed in claims 2-4 respectively.

Regarding claim 11, Williams discloses said usage history includes viewing history information of the multimedia content, which is obtained by viewing said multimedia content recorded in said recording medium (see fig. 9 and col. 7 lines 31-58).

Regarding claim 12, Williams discloses said usage history information includes record/reproduction/viewing history information of the multimedia content, which is obtained by recording, reproducing and viewing said multimedia content transmitted by said information transmitting means, in/from said recording medium (see figs. 5 and 9, col. 6 lines 50-67 and col. 7 lines 31-58).

Claim 13 is rejected for the same reason as discussed in claim 6 above.

Claims 14-20 are method claims corresponding to apparatus claims 1-6. Therefore claims 14-20 are rejected for the same reason as discussed in claims 1-6.

Claims 21-27 are method claims corresponding to apparatus claims 7-13. Therefore claims 21-27 are rejected for the same reason as discussed in claims 7-13.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yuen (US Pat. No. 6,430,358) discloses the user tells the representative what channels he or she watches the most and the channels will be selected and tuned based on user's selection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329.

The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
October 26, 2006


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600